Notice of Application for a Planning Permit



The land affected by the application is located at:		V9789 F457 CA 26 SEC Q Parish of Koo-Wee-Rup East South Bank Road, Bunyip VIC 3815	
The application is for a permit to:		Buildings and Works (Construction of an Agricultural Building)	
A permit is required under the following clauses of the planning scheme:			
35.04-5	Construct a building withi	Construct a building within nominated setbacks, ,	
35.04-5	Construct or carry out earthworks specified in a schedule to this zone,		
44.04-2	Construct a building or co	Construct a building or construct or carry out works	
45.05-2	Construct or extend a dwelling or other building		
APPLICATION DETAILS			
The applicant for the permit is:		Nobelius Land Surveyors	
Application number:		T240566	

You may look at the application and any documents that support the application at the office of the responsible authority:

Cardinia Shire Council, 20 Siding Avenue, Officer 3809.

This can be done during office hours and is free of charge.

Documents can also be viewed on Council's website at cardinia.vic.gov.au/advertisedplans or by scanning the QR code.



HOW CAN I MAKE A SUBMISSION?

This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:

21 March 2025

WHAT ARE MY OPTIONS?

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

If you object, the Responsible Authority will notify you of the decision when it is issued. An objection must:

- be made to the Responsible Authority in writing;
- include the reasons for the objection; and
- state how the objector would be affected.

The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.



/-----

Application is here

5

6

Application Council initial lodged assessment

Notice Consideration of submissions

Assessment

Decision



ePlanning

Application Summary

Basic Information

Proposed Use	Development of an agricultural outbuilding
Current Use	The land is used for agriculture and is developed with a small outbuilding.
Cost of Works	\$200,000
Site Address	Crown Allotment 26 Section Q Parish of Koo-Wee-Rup East (South Bank Road, Bunyip)

Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173	Not Applicable, no such encumbrances
agreement or other obligation such as an easement or building envelope?	apply.

Contacts

Туре	Name	Address	Contact Details
Applicant	Reflee O Briefi Nobelius Land Surveyors	20 Henry Street, Pakenham VIC 3810	
c			
Preferred Contact	Nobelius Land Surveyors	20 Henry Street, Pakenham VIC 3810	

Fees

Regulation Fee Condition		Amount	Modifier	Payable
9 - Class 12	More than \$100,000 but not more than \$1,000,000	\$1,706.50	100%	\$1,706.50

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Total

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Council's Operations Centre (Depot) Purton Road, Pakenham, Victoria

Email: mail@cardinia.vic.gov.au

Monday to Friday 8.30am-

5pm

\$1,706.50

Phone: 1300 787 624 After Hours: 1300 787 624 Fax: 03 5941 3784

Documents Uploaded

Date	Туре	Filename
30-10-2024	A Copy of ⊺itle	Copy of title 14.10.24.pdf
30-10-2024	A Copy of Title	Copy of plan 14.10.24.pdf
30-10-2024	Additional Document	Hay Shed dimensions.pdf
30-10-2024	Additional Document	Cover Letter - South Bank Road.pdf
30-10-2024	Additional Document	Town Planning Report - South Bank Road.pdf
30-10-2024	Site plans	240904 South Bank Rd Bunyip Existing Conditions Plan.pdf
30-10-2024	Site plans	240904 South Bank Rd Bunyip Site Contour Plan.pdf
30-10-2024	A proposed floor plan	240904 South Bank Rd Bunyip Floor Plan and Elevations.pdf
30-10-2024	A proposed floor plan	240904 South Bank Rd Bunyip Proposed Shed Location.pdf

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation	on of the permit



Civic Centre 20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot) Purton Road, Pakenham, Victoria Postal Address Cardinia Shire Council P.O. Box 7, Pakenham VIC, 3810

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders,

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 09789 FOLIO 457

Security no : 124118999050K Produced 14/10/2024 10:10 AM

LAND DESCRIPTION

Crown Allotment 26 Section Q Parish of Koo-wee-rup East. PARENT TITLE Volume 09347 Folio 804 Created by instrument M163150V 03/03/1986

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP291459G FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AY348417T (E)	NOMINATION OF ECT TO LC	Completed	28/08/2024
AY348981M (E)	TRANSFER	Registered	28/08/2024

------ SEARCH STATEMENT-----END OF REGISTER SEARCH

Additional information: (not part of the Register Search Statement)

Street Address: SOUTH BANK ROAD BUNYIP VIC 3815

ADMINISTRATIVE NOTICES

NIL

eCT Control REGISTRAR OF TITLES Effective from 28/08/2024

DOCUMENT END

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Title 9789/457 Page 1 of 1



Imaged Document Cover Sheet

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Number of Pages	1
(excluding this cover sheet)	
Document Assembled	14/10/2024 10:10

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Depth Limitation:

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TITLE PLAN

Location of Land

Parish: KOO-WEE-RUP EAST
Township:
Section: Q
Crown Allotment: 26
Crown Portion:

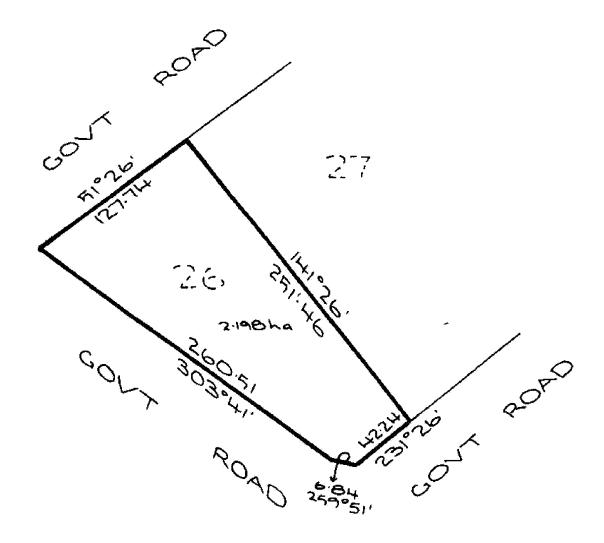
Last Plan Reference:
Derived From: VOL 9789 FOL 457

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 28/01/2000

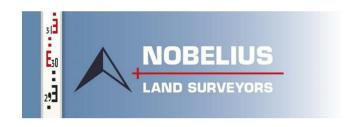
VERIFIED: M.P

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN



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 LENGTHS ARE IN Metres = 0.3048 x Feet
 Metres = 0.201168 x Links
 Sheet 1 of 1 sheets



20 Henry Street P0 Box 461 Pakenham VIC 3810 ABN: 25 006 181 344
PHONE: 03 5941 4112
EMAIL: mail@nobelius.com.au
WEB: www.nobelius.com.au

30th October, 2024

Nobelius Land Surveyors renee@nobelius.com.au

03 5941 4112

Attn: Statutory Planning Department

Cardinia Shire Council 20 Siding Avenue, Officer VIC 3809

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To Whom It May Concern,

RE: NEW PLANNING PERMIT APPLICATION

ADDRESS: CROWN ALLOTMENT 26 SECTION Q PARISH OF KOO-WEE-RUP EAST,

SOUTHBANK ROAD, BUNYIP

PROPOSAL: THE DEVELOPMENT OF AN AGRICULTURAL OUTBUILDING

This planning permit application has been prepared by Nobelius Land Surveyors on behalf of the landowners and is submitted to Council to support an application to develop the land with an agricultural outbuilding.

The subject site is formally described as Crown Allotment 26 Section Q Parish of Koo-Wee-Rup East, with a street address of South Bank Road, Bunyip. The subject site is outside of the Bunyip settlement boundary and zoned Green Wedge Zone – Schedule 1 and has an approximate area of 2.2ha. The land is subject to the Land Subject to Inundation Overlay – Schedule and the Restructure Overlay (RO51).

The land is primary used for agriculture, and it is proposed to construct a 30m x 14m outbuilding with a floor area of 435.5m² which will be used to store farm machinery and supplies. A permit is sought under the GWZ and the RO. Melbourne Water flood level advice has been sought and it is proposed that the finished floor levels of the outbuilding will be 300mm above the applicable flood level which removes the requirement for a permit under the LSIO.

No easements or restrictions are recorded on the title, and the proposal is an appropriate planning outcome when having regard to the Municipal Planning Strategy, State and Local Planning Policy Framework and the relevant policies, objectives and strategies of the Cardinia Planning Scheme.

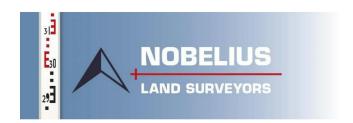
Please find attached the following documents to support Council's assessment:

- Current copy of title and plan
- Feature Survey Plan
- Concept Plan
- Development Plan

Please do not hesitate to contact me should you require any additional information or wish to discuss.

Warm Regards,





20 Henry Street PO Box 461 Pakenham

VIC 3810

ABN: 25 006 181 344
PHONE: 03 5941 4112
EMAIL: mail@nobelius.com.au
WEB: www.nobelius.com.au

25 February 2025

Nobelius Land Surveyors 20 Henry Street Pakenham VIC 3810

Attn: Lori Zhang Statutory Planner Cardinia Shire Council

Dear Lori,

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Application No.: T240566 PA

Property No.: 5000000865

Address: V9789 F457 CA 26 SEC Q Parish of Koo-Wee-Rup East, South

Bank Road, Bunyip VIC 3815

Proposal: Development of the land for an agricultural building

Thank for your request for further information dated 14th November, 2024 under section 54 of the *Planning and Environment Act, 1987* and RFI Incomplete letter dated 29th January, 2025. We wish to respond accordingly:

FURTHER INFORMATION

1. Detailed written response identifying what agricultural activity will be or have been occurring on the subject site.

Please specify where the animals' food is/will be obtained from, whether cattle are/will be kept or bred for the production of milk, and whether cattle are/will be restrained by pens or enclosures.

Response:

The land has recently been purchased by our clients, Russell and Jenelle Loughridge, who intend to use the land for livestock finishing and calving. This will supplement the dairy and beef cattle farming activities they currently undertake across three (3) additional properties in the area. The Loughridge farms include:

- 1904 Westernport Road, Ripplebrook (approx. 150ha);
- 2495 Westernport road, Ripplebrook (approx. 65ha); and
- Lot 1/TP397418, Seven Mile Road, Nar Nar Goon (approx. 7.5ha)

Russell and Janelle reside 5 minutes away from the subject site which is practical in terms of checking on stock and supervising calving. The subject site is also central to the other farms listed above, making it an ideal location for the proposed activities and a convenient site to store supplies, vehicles and machinery.

A combination of beef and dairy livestock will be grazed on the land. Animals will be contained in paddocks with post and wire fencing. We are not proposing to use the land for intensive animal husbandry.

2. Detailed written response identifying what the existing buildings/structures on the site are used for.

Please remove the shed, two (2) shipping containers and the carport from the 'Site Description Plan' and 'Site Contour Plan' if the land owners will remove these structures as specified in the RFI response letter dated 13 January 2025 by Nobelius Land Surveyors.

Response:

As mentioned previously, our clients have recently purchased the property with the existing buildings/structures on the land. These comprise two shipping containers connected via a central carport, and a small, detached shed. These structures are not required as part of the agricultural use of the land and the landowners will remove these subject to approval to provide alternative lockable storage (proposed outbuilding).

At Council's request, the shed, two (2) shipping containers and carport have been removed from the Site Description Plan and the Site Contour Plan.

3. An indicative layout plan that provides details of what is to be stored in the building along with a list of the machinery.

Response:

The proposed outbuilding is sought to provide lockable storage for a variety of trailers, a tractor, a livestock truck, hay, and fencing materials associated with the Loughridge beef and dairy farms. The interior of the shed will feature an open layout with no internal walls. Please refer to the floor plan provided on drawing number A03 by Hobson Survey.

 A Cultural Heritage Management Plan (CHMP) completed by a suitably qualified person, which contains a certificate of approval from the Office of Aboriginal Affairs (AAV).
 OR Provide a certified Preliminary Aboriginal Heritage Test (PAHT) in accordance with Section 49B of the Aboriginal Heritage Act 2006 (Amended 2016).

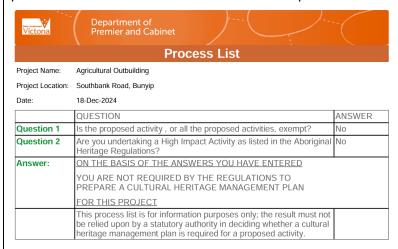
OR

A written letter prepared by a suitably qualified person comprehensively outlining as to whether the proposal triggers/requires a CHMP is by the relevant legislative framework.

As the land use may be defined as 'intensive animal husbandry' which is a high impact activity in Reg 46 of the Aboriginal Heritage Regulation 2018, a CHMP may be required. This will be confirmed upon receipt of the response to this RFI incomplete letter.

Response:

The proposal is not considered a high impact activity under r.46 of the Aboriginal Heritage Regulations 2018 and as such, no CHMP is required. A process list taken from the ACHRIS activities questionnaire is provided below.



The land is not proposed to be used for 'intensive animal husbandry'. No CHMP is required.

- 5. Amended site plan drawn to scale which show:
 - 5.1 The location and proposed treatment of vehicle access to the building.
 - 5.2 Relevant ground levels, to Australia Height Datum, taken by a licensed surveyor.
 - 5.3 The extent of proposed concrete around the building.
 - 5.4 The location of any proposed site cut & fill.

Response:

- 5.1 The gravel driveway is illustrated and notated on plan A02 by Hobson Survey.
- 5.2 The ground levels to AHD are shown on A02 by Hobson Survey.
- 5.3 The outbuilding is proposed to have an earthen floor, and therefore, there will no proposed concrete around the building.
- 5.4 The fill pad has been shown on plan A02 & in the elevation plans on A03 by Hobson Survey.
- 6. Amended elevation plans showing:
 - 6.1 Cardinal directions of all elevation plans (e.g., north elevation, etc).
 - 6.2 Maximum building height measured from the Natural Ground Level (NGL) & Finished Floor Level (FFL) on all elevation plans.

- 6.3 Dimensions of the proposed site cut and fill above and/or below NGL.
- 6.4 Proposed colour of the proposed building.
- 6.5 Details of fill pads for the proposed building.
- 6.6 Notations identifying the applicable flood level.
- 6.7 Notations stating the FFL of the proposed building will be constructed with floor levels a minimum 300 mm above the applicable flood level.

The maximum building height measured from the Natural Ground Level (NGL) is outstanding on all elevation plans.

Response:

The survey plans and elevation plans have been updated to reflect the above.

The maximum building height from the Natural Ground Level (NGL) has been notated on all elevation plans.

PRELIMINARY ASSESSMENT COMMENTS

Council holds concerns with the size and siting of the building that does not appear to be commensurate with the size of the property and proposed use. Detailed written justification must be submitted to demonstrate the need for the proposal size and siting of the building.

Council still holds concerns with the siting of the building being in the middle of the site, away from South Bank Road and proposed crossover, which appears to result in the unnecessarily long driveways and reduces the land for agricultural uses and activities on site. It is strongly encouraged to relocate the building closer to South Bank Road, and/or to the area where the existing buildings and structures are situated on site.

In addition, an inventory of agricultural building(s) in the surrounding area is recommended to be submitted.

Response:

The size of the building is appropriate for the rural locality and is consistent with the size of agricultural buildings seen in the wider area.

The building is sought to support the use of the land for livestock finishing and calving and to provide lockable storage for the equipment and machinery currently used to support dairy and beef farming across three properties in the wider area. The building will enhance the agricultural capacity of the land as part of a larger farming enterprise, recognising that on its own, the productivity of the site is limited.

The proposed siting of the shed is considered the most appropriate given:

- The building will not have any unreasonable visual impact on the surrounding landscape, noting that agricultural buildings are common in the area and contribute to the rural character of the locale. Importantly, the siting of the outbuilding is not foreseen to have any unreasonable impacts on nearby dwellings or the agricultural use of adjoining lots.
- The proposed siting will enhance the agricultural productivity of the site by ensuring areas within the site with good agricultural capacity remain available for grazing. The front of the site is the most suitable for grazing

livestock given the richer soil and tendency for grass to hold here during the drier months. The proposed shed site has sandier soil and the grass does not hold as well here over summer, making it less compatible for year-round grazing. The landowners have kindly provided the following images of the soil/grass to the front of the site and the proposed shed location to illustrate the above:





- The proposed driveway to the agricultural building does not remove land from agriculture as it will ensure year-round vehicular access to all paddocks and will be used to move livestock within the site.
- The siting of the shed has been selected to provide adequate separation between the shed and the Bunyip River to the north and the Bastin Drain to the west.

- The proposed siting provides separation between the shed and built form on adjoining lots. This helps to maintain the sense of spaciousness that contributes to the rural character of the locality. It also minimises the appearance of a cluster of buildings from the road.
- The proposed siting enables the creation of useable paddocks on both sides of the driveway and surrounding the shed.

In addition to our 'Site and Surrounds' response in the town planning report, we have included as an appendix aerial and street view (where available) images of outbuildings and agricultural buildings in the immediate vicinity of the subject site. Of particular relevance is a large shed constructed on adjoining land at 55 Murphys Lane, Bunyip.

Council wishes to advise that the exemption in the schedule of LSIO is only applied to the construction of a building, not the works (including earthworks) required to achieve the required finished floor levels above the flood level.

Response:

The planning report has been updated to reflect the above.

Council cannot locate the planning permit(s) for the existing buildings/structures on the subject site. Please provide a copy of the planning permit is applicable. If planning permit was not obtained for the existing buildings/structures, please consider including the existing buildings/structures in this application. Otherwise, statutory planning department might notify Council's planning compliance department.

Response:

As discussed previously, the landowners have recently purchased the property with the buildings/structures and are willing to remove these once they have alternative secure storage approved for the site. We anticipate the removal of the existing buildings/structures will be a condition of any permit granted.

Please note, if application has been internally and externally referred to relevant departments and authorities. If a referral response identifies any concerns with the proposal or that further information is required, you will be advised in due course.

Response:

Noted.

We have received a request for further information pursuant to Section 56 (2) of the Planning and Environment Act 1987 from Melbourne Water dated 9th December, 2024.

MW require:

1. Plans to Australian Height Datum (AHD) showing the floor level of the proposed shed.

The finished floor levels of the shed must be constructed no lower than 38.03 metres to AHD which is a minimum of 300mm above the applicable flood level of 37.73 metres to AHD.

The building is proposed to have an earthen floor which requires a finished floor level of 150mm above the applicable flood level of 37.73 metres to AHD. The FFL of 37.88m to AHD is notated on the revised plans provided as part of this response.

Please note, a subsequent review will be conducted once all information is submitted which may raise additional further information items.

Response:

Noted.

ADDITIONAL COMMENTS

Clarity and accuracy of plans and documents

Please remove all references to 'agricultural outbuilding' or 'outbuilding' in all plans and documents. The proposal is for an agricultural building.

Response:

Noted. The town planning report has been updated to reflect the above.

Further details regarding proposed crossover

Upon reviewing the further information submitted on 13 January 2025, the following additional information is required by the Council's Traffic Department:

- Detail about largest vehicle class they expect to access site.
- A swept path analysis of the largest vehicle class with both ingress and egress analysis.
- Additional details regarding the crossover dimensions.

Response:

The largest vehicle anticipated on the site is a 6m truck. Swept path diagrams are considered an unnecessary cost for our clients given this is an application for an agricultural building on a vacant site with no constraints that would prohibit vehicles maneuvering within the site. The plans have been updated to widen the driveway immediately to the west of

the proposed shed to demonstrate that vehicles can reverse from the shed and exit the site in a forward motion. A crossover will be provided to the satisfaction of Council.

Please feel free to contact me should you have any questions or wish to discuss.

Warm Regards,



APPENDIX: INVENTORY OF AGRICULTURAL BUILDINGS



AGRICULTURAL BUILDING ON ADJOINING LOT (1/TP117750)



LARGE OUTBUILDING AT 65 SOUTH BANK RD



LARGE (APPROX >500m²) AGRICULTURAL BUILDING – 55 MURPHY LANE AND LARGE OUTBUILDING AT 110 MURPHY LANE

NOTE: A PERMIT HAS ALSO RECENTLY BEEN GRANTED FOR AN AGRICULTURAL BUILDING AT 130 MURPHY LANE, BUNYIP.

TOWN PLANNING REPORT

The development of the land for an agricultural building and earthworks

at South Bank Road, Bunyip VIC 3815

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1. PRELIMINARY

ADDRESS	South Bank Road, Bunyip				
	Crown Allotment 26 Section 6 Parish of Koo-Wee-Rup East				
RESPONSIBLE	Cardinia Shire Council				
AUTHORITY					
ZONE	Green Wedge Zone - Sched				
OVERLAY	Land Subject to Inundation				
	Restructure Overlay - Sche	dule 51 (RO51)			
BUSHFIRE PRONE AREA	Yes	T			
RESTRICTIONS REGISTERED ON TITLE	⊠ None	☐ Yes, list below:		28	
ENCUMBERING EASEMENTS	⊠ None	☐ Yes, list below:		10,	
RETICULATED SEWER	⊠ None	☐ Yes			
PROPOSAL	Development of the land for	or an agricultural buil	lding and earthw	orks	
PERMIT TRIGGERS	Pursuant to Clause 35.04-5 Buildings and works, a permit is sought to construct				
	or carry out a building whi	ich is within 100 met	res from a water	way, wetlands or	
	designated flood plain.				
	Clause 44.04-2 Buildings a		permit is require	ed for earthworks	
	associated with construction	_	J		
	Pursuant to Clause 45.05		_	(RO), a permit is	
CHITHDAL HEDITAGE	required to construct or ex				
CULTURAL HERITAGE	□ No		ay be required		
				☐ Required	
NATIVE VEGETATION	Clause 52.17 applies. No na			oposal.	
MELB WATER FLOOD LEVEL ADVICE	Applicable flood level is 70		ground level.		
RELEVANT	Outside of Bunyip Townshi				
INCORPORATED	Cardinia Western Port Gree	en Wedge Managem	ent Plan		
DOCUMENTS					
SUBMITTED	Current copy of title and p	lan			
DOCUMENTS	Feature survey plan				
	Concept Plan				
NUC OHALITY CYCTERA	Development Plan	DATE ISSUED	CHECKED BY	DEVICION.	
NLS QUALITY SYSTEM	AUTHOR	DATE ISSUED	CHECKED BY	REVISION	
	RO	13/02/25	JB	2	

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2. INTRODUCTION

This town planning report has been prepared on behalf of the landowners of Crown Allotment 26 Section Q Parish of Koo-Wee-Rup East, South Bank Road, Bunyip to support an application to develop the land with an agricultural building.

The subject land is a Crown Allotment with an area of approximately 2.2ha and is zoned Green Wedge Zone - Schedule 1. The land and all surrounding land is low lying and prone to inundation from the Bunyip River, and as such, the Land Subject to Inundation Overlay applies. The subject site is also subject to the *Cardinia Planning Scheme Agricultural Restructure Overlay Plan No. 51*, meaning it cannot be developed with a dwelling as it does not form a whole of a tenement and is less than 10ha in size. The proposal seeks to develop the land with an agricultural building with dimensions of 30x14m and a floor area of 435.5m². The building (shed) is required to store agricultural machinery and supplies onsite which will enhance the agricultural productivity of the land.

This report will aim to demonstrate that the development of an agricultural building is an appropriate planning outcome when having regard for the Municipal Planning Strategy and the relevant State and Local Planning Policy Framework and relevant policies, objectives and strategies of the Cardinia Planning Scheme.

Please read this report in conjunction with the following supporting documents:

- Current copy of title and plan
- Feature survey plan
- Concept Plan
- Development Plans



3. SUBJECT SITE AND SURROUNDING LOCALITY

The subject site is formally described as Crown Allotment 36 Section Q in the Koo Wee Rup East Parish (Vol 09789 Fol 457) with a street address of South Bank Road, Bunyip.

The subject site is located to the south-east of South Bank Road, approximately 1.5km from the Bunyip town centre to the north-west. The site is irregular in shape, with frontage to South Bank Road of 127.74m and a total site area of approximately 2.2ha.

The subject site is vacant, predominately cleared of vegetation and used for agricultural purposes. The terrain of the site and surrounds is relatively flat.

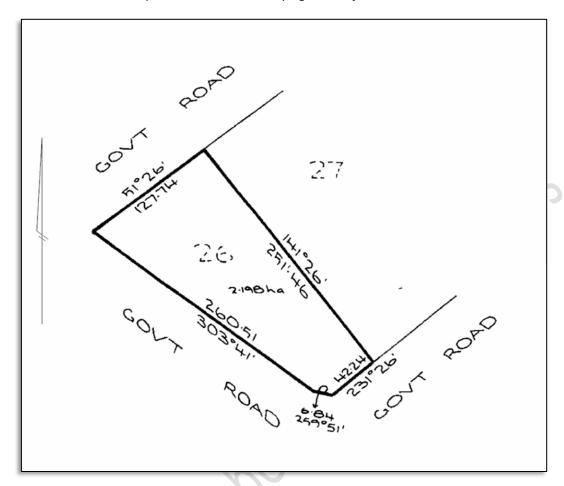
A recent aerial image of the subject site and immediate surrounds is provided below:



AERIAL MAP IDENTIFYING SUBJECT SITE (NEARMAP, 10 SEP 2024)



An extract of TP291459G is provided below identifying the subject site:



AERIAL MAP IDENTIFYING SUBJECT SITE (NEARMAP, 10 SEP 2024)

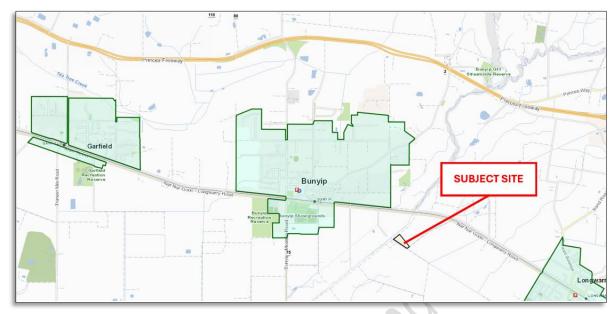


VIEW TO THE SITE FROM SOUTH BANK ROAD (GOOGLE MAPS, AUG 2023)

To the north-west, the subject site abuts South Bank Road and the Bunyip River. To the south-west the site abuts the Bastin No. 1 Drain and Thompsons Drain to the south-east. The subject site shares a common boundary with Lot 1 TP117750 to the north-east, which is developed with an outbuilding and used primarily for agriculture. To the south-west of the Bastin No.1 Drain is 65 South Bank Road, Bunyip, which has an area of approximately 8ha, is developed with a single dwelling and associated outbuildings and used for agriculture.



The subject land is located outside of the Bunyip settlement boundary to the south of Nar Nar Goon Longwarry Road:



LOCALITY MAP IDENTIFYING SUBJECT SITE (LASSI, 2024)

Land in the vicinity is characterised by large rural allotments, many of which are currently used for agriculture. Dwellings and large agricultural buildings and outbuildings are subordinate within the landscape, and the presence of dwellings has been limited by the controls of the Restructure Overlay (RO51) which applies to tenement lots under the *Cardinia Planning Scheme Agriculture Restructure Plan No. 51*. A review of the land surrounding the subject site identifies a mix of zoning, including Green Wedge, Farming, General Residential, Low Density Residential and Public Conservation and Resource which is evidenced in land use and development typologies and lot sizes:

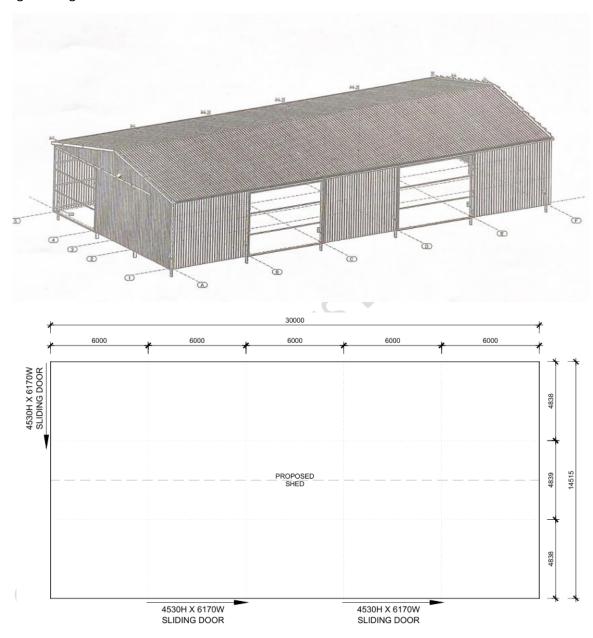


ZONING MAP (VICPLAN, 2024)



4. THE PROPOSAL

Council approval is sought to develop the land with an agricultural building with dimensions $30m L x 14.515 W x 6.36m H and a floor area of <math>435.45m^2$. The building is proposed to be clad in Colorbond in a neutral colour palette (to be confirmed) with two sliding doors along the western elevation and a single sliding door on the northern elevation:



Pursuant to **Clause 35.04-5 Buildings and works**, a permit is required to construct or carry out a building which is within 100 metres from a waterway, wetlands or designated flood plain.

The building is proposed to be setback 115m from the South Bank Road frontage, 9m from the northeastern boundary, and 55.1m from the southwestern boundary. Planning approval is sought under the GWZ for buildings and works as the proposed building will be setback less than 100m from both the Bastin No. 1 Drain and Thompsons Drain.





A permit is also required under **Clause 44.04-2** for earthworks associated with the proposed agricultural building.

Flood advice provided by Melbourne Water notes that the applicable flood level is approximately 700mm above the natural surface level of the property and that the requirements of Flood Zone 2 in Melbourne Water's *Guidelines for Development within the Koo Wee Rup and Longwarry Flood Protection District (July 2019)* apply. The proposed agricultural building is to be constructed with an earthen floor and will have a finished floor level of 37.88m to AHD (150mm above the applicable flood level of 37.73m to AHD).



Flood zone	Avg. flood depths	Remarks	Building applications		
			Dwellings	Outbuildings	extensions
I	Approx. 300 mm	Liable to overland flooding due to overflows from drains.	Floor levels to be a minimum of 600 mm above the applicable flood level. For dwellings on stumps, a fill pad is to be a minimum of 150 mm above the applicable flood level. For slabs on ground, a fill pad is to be a minimum of 450 mm above the applicable flood level. Fill pad area (unless otherwise filled at subdivision stage): for dwellings on lots less than 800 m², a fill pad is to cover the building envelope. for dwellings on lots greater than 800 m², a fill pad is to extend at least 5 m beyond the building.	Outbuildings to be constructed with floor levels a minimum of 300 mm above the applicable flood level for concrete floors and 150 mm above applicable flood levels for earthen floors. Some concessions may be accepted for open-sided structures, such as carports or hay sheds.	As per dwellings ind outbuildings. Some concessions nay be applied considering location ind size of extension, iccess and design.
2	Approx. 700 mm	Liable to deep flooding as a result of concentrated overflows from a major drain – filling/building may be refused.	 Floor levels to be a minimum of 600 mm above the applicable flood level; where depths exceed 500 mm, Melbourne Water may determine that a new building is inappropriate. Fill pad requirements as for flood zone 1. 	As for flood zone 1.	As for flood zone 1.

Pursuant to Clause 45.05-2 Dwellings and other buildings (Restructure Overlay), a permit is required to construct or extend a dwelling or other building. A permit is sought under the Restructure Overlay to construct the proposed building on land where Agriculture Restructure Plan No. 51 applies.

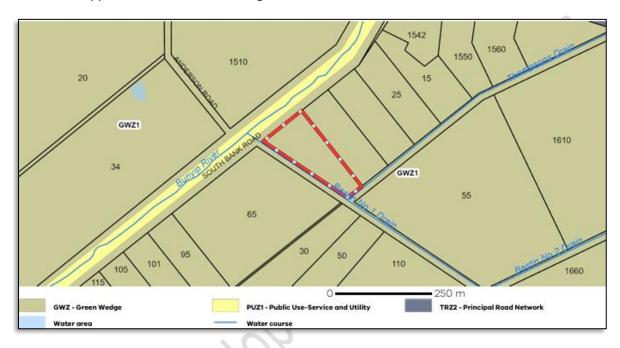


5. RELEVANT PLANNING CONTROLS

The following section addresses the objectives and requirements of the zoning and overlay controls relevant to the subject site identifying how these planning controls relate to the proposal, trigger an assessment and how we have addressed the requirements of planning provisions.

CLAUSE 35.04 GREEN WEDGE ZONE

The site is mapped within the Green Wedge Zone – Schedule 1:



ZONING MAP (VICPLAN)

PURPOSE

Clause 35.04 Green Wedge Zone seeks:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.
- To encourage use and development that is consistent with sustainable land management practices.
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
- To protect and enhance the biodiversity of the area.



PERMIT REQUIREMENT

The land is used for agriculture, which is a Section 1 – permit not required use in the Table of uses at 35.04-1.

Pursuant to **Clause 35.04-5 Buildings and works**, a permit is sought to construct or carry out a building within 100 metres from a waterway, wetlands or designated flood plain.

Schedule 1 to Clause 35.04 does not contain any specific requirements applicable to the proposal.

DECISION GUIDELINES

The Responsible Authority must consider, as appropriate and in addition to the decision guidelines in Clause 65, the following relevant decision guidelines:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or
 area but is not appropriate to locate in an urban area because of the effect it may have on
 existing or proposed urban areas or the effect that existing or proposed urban areas may have
 on the proposed use or development.
- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

Rural issues

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.



Environmental issues

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.
- The location of onsite effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to minimise any adverse impacts on siting, design, height, bulk and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

ASSESSMENT OF THE PROPOSAL AGAINST THE RELEVANT DECISION GUIDELINES OF THE GWZ

The proposal does not contravene the Municipal Planning Strategy or the Planning Policy Framework. The subject site is within the Western Port catchment and forms part of the Koo Wee Rup flood zone and will be required to be constructed to the satisfaction of Melbourne Water.

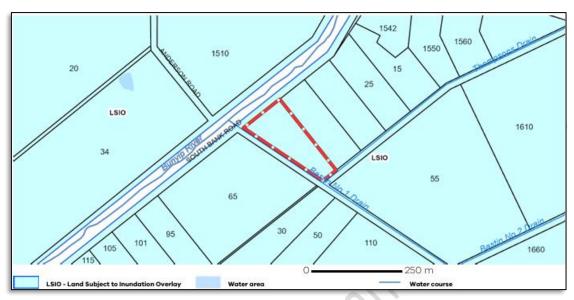
The building is sought to support the use of the land for livestock finishing and calving and to provide lockable storage for the equipment and machinery currently used to support dairy and beef farming across an additional three properties in the wider area. The building will enhance the agricultural capacity of the land as part of a larger farming enterprise, recognising that on its own, the productivity of the site is limited.

The siting of the shed has been proposed to maintain the sense of spaciousness between dwellings on adjoining lots and to create distance between the shed and the Bunyip River and roadside drains. The building will not have any unreasonable visual impact on the surrounding landscape, noting that outbuildings and agricultural buildings are common in the area and contribute to the rural character of the locale. Importantly, the siting of the building is not foreseen to have any unreasonable impacts on dwellings or the agricultural use of on adjoining lots. The size of the building is appropriate for the rural locality and consistent with those seen in the wider area.



CLAUSE 44.04 LAND SUBJECT TO INUNDATION - SCHEDULE

Clause 44.04 Land Subject to Inundation Overlay – Schedule (LSIO) applies to the subject site and all surrounding land:



LAND SUBJECT TO INUNDATION OVERLAY (VICPLAN)

PURPOSE

The LSIO seeks:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

LAND SUBJECT TO INUNDATION OBJECTIVES AND STATEMENT OF RISK

The schedule is silent as to any specific objectives or statement of risk.

PERMIT REQUIREMENT

Pursuant to Clause 44.04-2 Buildings and works, a permit is required to construct a building or to construct or carry out works. This requirement does not apply where the schedule to the overlay specifically states that a permit is not required. 3.0 Permit requirement in the Schedule to Clause 44.04 outlines that a non-habitable building or extension to a non-habitable building with earthen



floors does not require a permit, provided the floor levels are at least 150mm above the applicable flood level.

The applicable flood level is 700mm above natural ground level (37.73m to AHD). The proposed building will be constructed with a finished floor level of 37.88m (150mm above the applicable flood level). A permit is sought under **Clause 44.04-2 Buildings and works** for the earthworks associated with providing the requisite fill pad.

CLAUSE 45.05 RESTRUCTURE OVERLAY

The site is subject to the Restructure Overlay (RO):



ZONING MAP (VICPLAN)

PURPOSE

Clause 45.05 Restructure Overlay seeks:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify old and inappropriate subdivisions which are to be restructured.
- To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

PERMIT REQUIREMENT

Pursuant to **Clause 45.05-2 Dwellings and other buildings**, a permit is required to construct or extend a dwelling or other building.

A permit must be in accordance with a restructure plan for the land listed in a schedule to this overlay. This does not apply if:

 No restructure plan is listed in the schedule and the permit is required to extend an existing dwelling or other building.



• The land is a lot for which a permit has been granted under Clause 45.05-1.

The Cardinia Shire Agricultural Restructure Plan No. 51 applies and is implemented under the schedule to the Restructure Overlay. No permit has been granted previously for the subject site under Clause 45.05-1.

DECISION GUIDELINES

The Responsible Authority must consider, as appropriate, and in addition to the decision guidelines of Clause 65, the following:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives of the restructure plan for the area.
- Appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion.
- The protection and enhancement of the natural environment and the character of the area including the retention of vegetation and fauna habitats and the need to revegetate along waterways, gullies, ridge lines and property boundaries.
- The availability of utility services, including sewerage, water, drainage, electricity, telecommunications, and, where the subdivision is not a residential subdivision, gas.
- The relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land.
- The effect on surrounding uses, especially agricultural uses and nearby public land.
- The design of buildings.

ASSESSMENT OF PROPOSAL AGAINST THE RESTRUCTURE OVERLAY

The RO51 applies to agricultural land that form tenements, and as such, the *Cardinia Shire Council – Subdivision Restructure Plans (Agricultural Land – Tenement), January 2002* applies.

The purpose of the **Subdivision Restructure Plan** is to:

- (a) Ensure that old and inappropriate subdivisions are restructured in a manner that reduces development densities, that provides development opportunities consistent with the capacity of the site and the area to absorb such development without adverse impact on the environment and landscape and without creating undue utility servicing pressures; and
- (b) Ensure that adequate and proper servicing arrangements are made whilst recognising that there are often environmental impacts and high costs associated with infrastructure and utility provision; and
- (c) Recognise that restructure lots generally have poor accessibility and are often in isolated locations removed from community and other facilities; and
- (d) Recognise that restructure lots are often located in high fire hazard areas and that any new development must be sited and designed to minimise fire hazard.

The purpose of the **agricultural restructure plan** is to:

- (a) Limit the construction of dwellings on properties to ensure the long-term viability of the land; and
- (b) Protect the high-quality agricultural soils and recognise that the area is subject to regular flooding.



Agricultural Restructure Plan No. 51 applies to land mapped within RO51, which contains the following:

Cardinia Planning Scheme Agriculture Restructure Plan No. 51

A permit to construct a dwelling must not be granted unless the land forms the whole of a tenement which existed on 23rd April 1975 or the land on which a dwelling is constructed is not less than 10 hectares in area.

The subject land does not form a whole tenement and has an area of approximately 2.2ha, and therefore does not meet the conditions required for a dwelling to be possible.

This planning permit application seeks approval for buildings and works associated with the development of an agricultural building on the subject site. This does not contravene the RO51 and furthers the purpose of the agricultural restructure plan by enhancing the long-term productivity of an agricultural lot prone to inundation and unable to achieve a dwelling.



6. MUNICIPAL PLANNING STRATEGY

CLAUSE 21.01-2 KEY INFLUENCES AND 21.01-3 KEY ISSUES

The Cardinia Shire seeks to be recognised as a unique place of environmental significance where our quality of life and sense of community is balanced by sustainable and sensitive development, population and economic growth. The proposal is sensitive to the key issues facing Cardinia as listed at **Clause 21.01-3**, particularly those that have regard for the environment and settlement and housing. The relevant key issues are listed below:

Environment

- The protection of environmentally significant areas including the northern hills and Western Port coast.
- The protection and management of biodiversity.
- The maintenance and enhancement of existing significant landscapes.
- The protection of life and property in terms of flooding and bushfire.
- The protection and enhancement of areas and places of heritage significance.

Settlement and Housing

• The management of urban growth including urban pressures on the rural hinterland and the Western Port Green Wedge.

The proposal does not contravene the strategic vision at **Clause 21.01-4**, which outlines that the 'Cardinia Shire will be developed in a planned manner to enable present and future generations to live healthy and productive lives and to enjoy the richness of the diverse and distinctive characteristics of the Shire.'

The proposal aligns with the Cardinia Shire Strategic Framework Plan at **Clause 21.01-55** which nominates the land for general agricultural use and development, and it is considered that the development of an agricultural building will enhance the agricultural productivity of the site.

Detailed site investigations have informed the proposed subdivision layout to ensure that the environmental and landscape qualities have been appropriately responded to within the design.

CLAUSE 21.02 ENVIRONMENT

Clause 21.02 Environment describes planning's role in protecting, improving and managing the Shire's environment, natural resources and biodiversity, as well as ensuring risks to life, property and the environment are minimised. The subject site abuts waterways on three boundaries and the objectives of Clause 21.02-1 Catchment and coastal management have been considered in the siting and design of the proposed agricultural building. Of relevance is Objective 4, which seeks to recognise areas within the municipality that are liable to flooding and inundation and to minimise potential risk to life, property and the environment. The building has been sensitively sited away from the waterways and will have finished floor levels to the satisfaction of Melbourne Water.



CLAUSE 21.03 SETTLEMENT AND HOUSING

Clause 21.03 Settlement and Housing and more specifically **Clause 21.03-4 Rural Townships** nominates Bunyip as a large rural township, in which the following key issues are relevant:

- Retaining and enhancing the existing rural township character.
- Acknowledging that the capacity for growth varies depending on the environmental and infrastructure capacities of each of the towns.
- Designing with regard to the surrounding unique characteristics of the townships.

The proposal has considered the objectives for rural townships, and particularly aligns with Objective 2, which seeks to maintain and enhance the distinct character and environmental qualities of each of the townships. The proposed agricultural building has been sited and designed to complement the rural character of the Bunyip township and will not dominate the landscape or surrounding built form character. The proposal building is not foreseen to have any impact on nearby waterways and vegetation.

CLAUSE 21.04 ECONOMIC DEVELOPMENT

Clause 21.04-2 Agriculture has regard for the Shire's agricultural base, and details that the Koo Wee Rup Swamp area contains a peaty clay soil which is recognised as being of high-quality agricultural land of State significance. The key issues relating to agriculture in Cardinia relevant to this proposal include:

- Maintaining and protecting high value of agricultural land within the municipality.
- Protecting productive agricultural land from incompatible uses and inappropriate development and subdivision, including non-soil based farming on lands with high soil quality.

The proposal appropriately responds to the above, and aligns with the objective of **Clause 21.04-2**, which seeks to maintain agriculture as a strong and sustainable economic activity within the municipality. The proposed building does not impact on the sustainability of agricultural land or result in any reduction in agricultural viability, the erosion of the right of farmers to farmland or any loss of land from agricultural production. The proposed building will enable farm machinery and supplies to be stored on site and as such, will enhance the agricultural productivity of the site.

CLAUSE 21.08 LOCAL AREAS - WESTERN PORT REGION

Clause 21.08-2 Bunyip seeks to ensure use and development proposals in Bunyip are generally consistent with the requirements of the *Bunyip Township Strategy, September 2009*. The subject site is located outside of the Township Strategy area and excluded from the Bunyip Strategic Framework Plan at **Clause 21.08-2**.



7. STATE AND LOCAL PLANNING POLICY FRAMEWORK

This part of the report assesses and responds to the legislative and policy requirements for the project outlined in the Cardinia Planning Scheme and in accordance with the Planning and Environment Act 1897. The relevant clauses of the State & Local Planning Policy Framework for applications of the type presented in this report are largely contained in Clauses 11, 12, 13, 14, 15 & 22.05.

An assessment against the relevant clauses of the Cardinia Planning Scheme has been provided below:

CLAUSE 11 SETTLEMENT

Clause 11.01-1S Settlement, and 11.01-1R Settlement – Metropolitan Melbourne have regard for the sustainable growth and development of Victoria and the maintenance of a permanent urban growth boundary around Melbourne, and the proposal is supported by the many strategies outlined within these clauses. Of relevance are the objective and strategies of Clause 11.01-1R Green Wedges – Metropolitan Melbourne which seeks to protect the green wedges of Metropolitan Melbourne from inappropriate development. The proposal responds to the key features of the site, wider environmental and landscape values, and the vision for land use and development within agricultural Precinct 1 as detailed in the Cardinia Western Port Green Wedge Management Plan.

CLAUSE 12 ENVIRONMENTAL AND LANDSCAPE VALUES

Clause 12.03 Water bodies and wetlands is relevant to this proposal given the subject site's proximity to the Bunyip River, Bastin No. 1 Drain and Thompsons Drain. The proposal is consistent with the objective of Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs which seeks to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs. The proposed building has been sited to maintain the waterway system and surrounding landscape setting and is not foreseen to have any adverse impacts on existing environmental assets or ecological or hydrological systems. Any earthworks associated with the freeboard will be managed to ensure natural drainage, natural flows and water quality is maintained. The siting of the building is consistent with the siting of built form on nearby land and will ensure the building is subordinate in the rural landscape which will help to maintain the existing sense of place and landscape. The proposed building will be constructed and clad in high quality materials and will not be visually obtrusive from South Bank Road or neighbouring lots.

CLAUSE 13 ENVIRONMENTAL RISKS AND AMENITY

Clause 13.01-1S Natural hazards and climate change seeks to prioritise risk-based planning to minimise the potential for impacts and natural hazards associated with climate change. The proposal has considered the objective of Clause 13.01-1S Natural hazards and climate change which seeks to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning. The proposed building has been sited on the highest available ground as this area of the site will have the lowest overall flood hazard and will reduce the building's exposure to inundation



from the Bunyip River, Bastin No. 1 Drain and the Thompsons Drain. Finished floor levels will be to the satisfaction of Melbourne Water to minimise the risk of damage to property from flood.

Clause 13.02-15 Bushfire Planning relates to land within a designated bushfire prone area, subject to the Bushfire Management Overlay; and/or proposed to be used or developed in a way that may create a bushfire hazard. The subject land is contained entirely within a designated bushfire prone area but is not subject to the intensified bushfire risk associated with the Bushfire Management Overlay. The objective of Clause 13.02-1S is to strengthen the resilience of settlements and communities to bushfire through risk based planning that prioritises the protection of human life and is achieved through strategies that prioritise the protection of human life over all other policy considerations; directing population growth and development to low risk locations; and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire with low risk locations being those that area assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS3959-2018 (Construction of Buildings in Bushfire Prone Areas -Standards Australia, 2020); and reducing community vulnerability to bushfire through the consideration of bushfire risk at all stages of the planning process. Access for emergency services to the site, and egress options from the site are consistent with the standards of Clause 53.02 and the strategies of Clause 21.02-4 Bushfire management. South Bank Road provides south-west to northeast connectivity for Cora Lynn, Iona and Vervale (south-west) to the Bunyip township and Princes Highway (north). The proposed development implies the development of an agricultural building on a site with good access via interconnected road networks within a Low BAL area where the risk of bushfire can be mitigated.

Clause 13.03-15 Floodplain management has the objective to assist in the protection of *life, property* and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows; the natural flood carrying capacity of rivers, streams and floodways; the flood storage function of floodplains and waterways; and floodplain areas of environmental significance or of importance to river, wetland or coastal health. Melbourne Water (MW) flood level advice has been obtained and finished floor levels will be to the satisfaction of MW and Council.

CLAUSE 14 NATURAL RESOURCE MANAGEMENT

Clause 14 relates to planning's role in ensuring natural resource management supports environmental quality, sustainable development and the sustainable use of agricultural land. The subject land has limited agricultural capacity due to the area of the lot and low potential for expansion. The proposed subdivision is consistent with the objective and strategies of Clause 14.01-15 Protection of agricultural land which seeks to protect the state's agricultural base by preserving productive farmland and Clause 14.01-1R Protection of agricultural land — Metropolitan Melbourne which seeks to prevent any permanent loss of agricultural land in the State's green wedges and peri-urban areas.

The proposal is consistent with State policy relating to the protection and management of water under Clause 14.02 Water. The proposal aligns with the objectives and numerous strategies of Clause 14.02-15 Catchment planning and management, which seeks to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment and the objective and strategies of Clause 14.02-25 Water quality.



CLAUSE 15 BUILT ENVIRONMENT AND HERITAGE

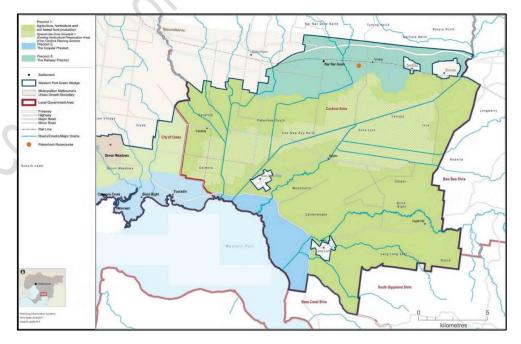
Clause 15 Built Environment and Heritage has the objective to ensure planning delivers high quality built form that is efficient, responds to surrounding character and the environment and associated risks, protects heritage, and provides the functionality required by the community. Clause 15.01-65 Design for rural areas seeks to ensure development respects valued areas of rural character, and the proposed building has been sited sensitively to ensure it is subordinate within the landscape, and design cues have been taken from nearby built form to ensure the building maintains and enhances the valued rural character of the wider locality.



AGRICULTURAL BUILDING ON THE ADJOINING LOT (LEFT) (GOOGLE MAPS, AUG 2023)

CLAUSE 22.05 WESTERN PORT GREEN WEDGE POLICY

Clause 22.05 Western Port Green Wedge Policy applies to all land within the Cardinia Shire Council's portion of the Western Port Green Wedge as identified on Map 1 at **Clause 22.05-3**:



MAP 1 AT CLAUSE 22.05-3



The vision for the Cardinia Western Port Green Wedge is:

The Cardinia Western Port Green Wedge will be a permanent green and rural area. It will remain an internationally significant biodiversity habitat, while also strengthening its agricultural and horticultural role to become a truly innovative and productive farming district. Agriculture, horticulture and soil based food production for the long term food security of Victoria is at the heart of this vision.

Best practice integrated water management will lead to improved water quality and a reduced risk of flooding with improved ecological conditions in Western Port Bay and local biodiversity will be protected, as well habitats for threatened species.

The Green Wedge will be home to small, clearly defined settlements that have a strong identity, provide jobs and services for the local community and support the agricultural and horticultural pursuits of the green wedge.

The local economy will be driven by its agriculture, horticulture and extractive industry. The Cardinia Western Port Green Wedge provides the opportunity to accommodate a further third airport to serve the long term needs of the South East Melbourne and Gippsland as identified in Plan Melbourne.

The Cardinia Western Port Green Wedge will be the permanent edge to Melbourne's southeast.

The proposal is consistent with the objectives and relevant policies for the Cardinia Western Port Green Wedge. The subject site is contained within Precinct 1: Agriculture, horticulture and soil based food production, and the vision for Precinct 1 is reiterated below:

Precinct 1 will be the hub of, agriculture, horticulture and soil-based food production within the Cardinia Western Port Green Wedge, taking advantage of its highly versatile soils, vegetable production (in particular asparagus), dairy and beef farming, other agricultural pursuits, potential access to Class A recycled water and the important role this precinct plays in food security. Land within the SUZ1 part of the precinct will be prioritised for soil-based agricultural and horticultural use and soil based food production with a focus on the consolidation of lots to support the economic viability of the agricultural and horticultural industry.

Opportunities for new, innovative or more intensive agriculture and horticulture and soil-based food production will be supported to ensure that the rich agricultural potential of the precinct is realised.

It will integrate biodiversity and agricultural outcomes by recognising ecosystem services which can improve agricultural efficiency.

Opportunities for linking the community with the local agricultural and horticultural industry will be identified and promoted to help establish food-based tourism within the precinct.

The proposal does not contravene the above or the future directions/preferred land uses for Precinct 1 and helps to give effect to the agricultural vision for the precinct via the provision of an agricultural building to support the sustained use of the land for primary production.



8. PARTICULAR PROVISIONS

CLAUSE 51.02 METROPOLITAN GREEN WEDGE LAND: CORE PLANNING PROVISIONS

Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions is relevant to this application and seeks:

- To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape, natural resource and recreation values.
- To protect productive agricultural land from incompatible uses and development.
- To ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.
- To encourage the location of urban activities in urban areas.
- To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.
- To provide deeming provisions for metropolitan green wedge land.

The proposed agricultural building is consistent with the purposes of **Clause 51.02** as it will enhance the agricultural productivity of the site and will not diminish any agricultural, environmental, cultural heritage, conservation, landscape, natural resource or recreation values associated with the site and wider context.



9. GENERAL PROVISIONS

The relevant general provisions that will be addressed in this section are identified below:

Clause 65 Decision Guidelines

• Clause 65.01 Approval of an Application or Plan

CLAUSE 65 DECISION GUIDELINES

Clause 65 states that the Responsible Authority must decide whether the proposal will provide acceptable outcomes in terms of the decision guidelines of this Clause. The decision guidelines of **Clause 65.01** relate to the approval of an application or plan and an assessment of the development against these guidelines identifies that the proposal is an acceptable planning outcome:

CLAUSE 65.01 APPROVAL OF AN APPLICATION OR PLAN	
DECISION GUIDELINES	RESPONSE
The matters set out in Section 60 of the Act.	The land is not identified as being contaminated. The site constraints and considerations of the land have been responded to throughout the design process.
Any significant effects the environment, including the contamination of the land, may have on the use or development.	
The Municipal Planning Strategy and the Planning Policy Framework.	The planning considerations have been adequately addressed within this report in sections 4-6.
The purpose of the zone, overlay or other provision.	
Any matter required to be considered in the zone, overlay or other provision.	
The orderly planning of the area.	
The effect on the environment, human health and amenity of the area.	The proposed development does not pose any foreseeable adverse impacts to the environment, human health or the amenity of the area. Any potential adverse impacts have been identified and responded to throughout the design process.
The proximity of the land to any public land.	The proposed development does not adversely impact any public land within the vicinity of the site.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	No foreseeable factors that may cause or contribute to land degradation, salinity or reduced water quality have been identified during the design process. Earthworks will be undertaken to the satisfaction of the Responsible Authority to ensure there are no impacts to water quality or quantity.



Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	Stormwater will be managed to the satisfaction of the Responsible Authority.
The extent and character of native vegetation and the likelihood of it's destruction.	No impacts to native vegetation are foreseen to arise as a result of the proposal.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	Pre-development advice has been obtained from Melbourne Water and has informed the proposed design and siting of the building. The proposal is not foreseen to contribute to any erosion hazards. The risk of fire can be mitigated to an acceptable level.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	Loading and unloading facilities are not relevant to this proposal.
The impact the use or development will have on the current and future development and operation of the transport system.	The proposed subdivision does not adversely impact on the current and future development and operation of the transport system.

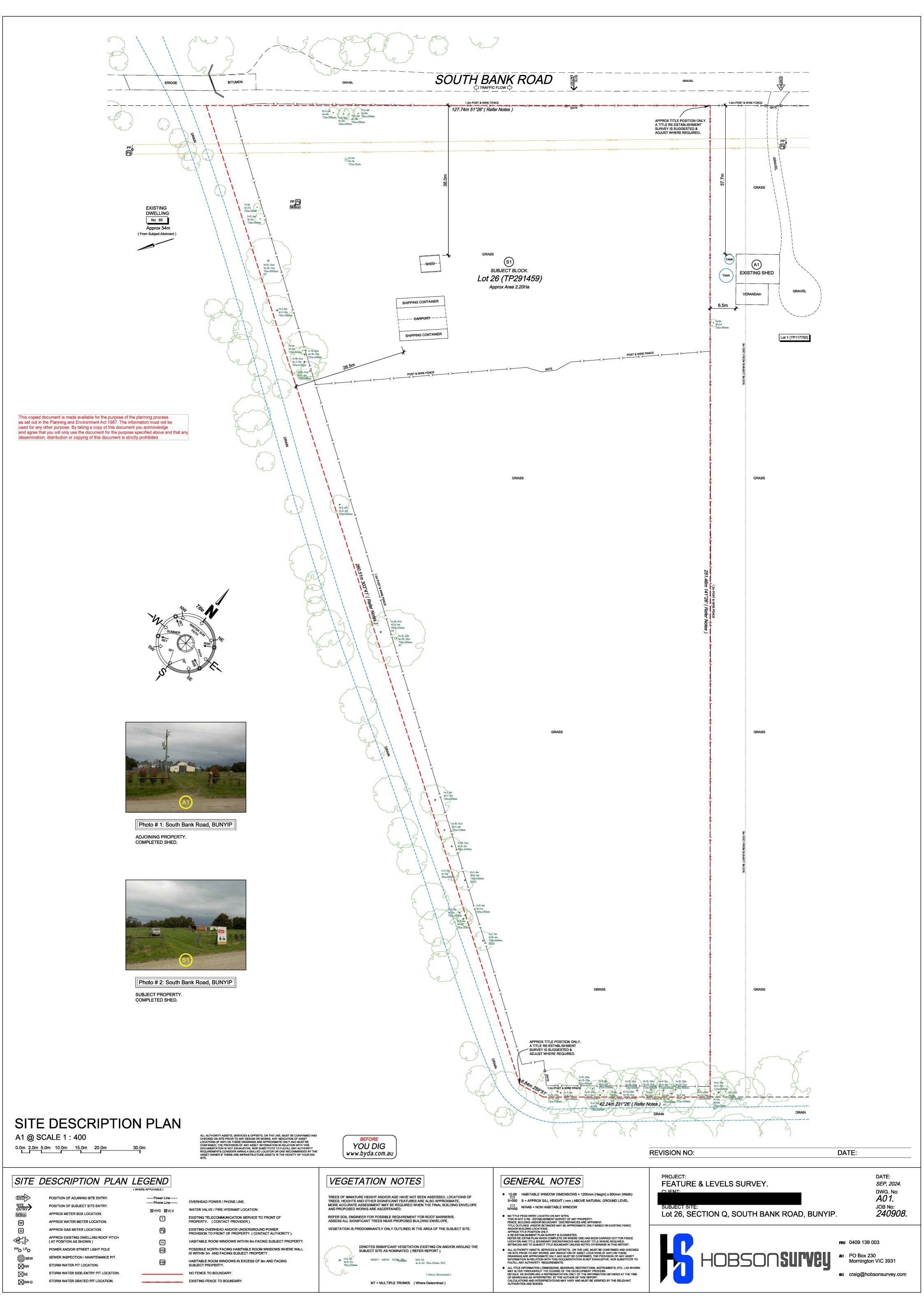
10. CONCLUSION

This town planning report has sought to demonstrate that the proposal is an appropriate planning outcome that is consistent with the Municipal Planning Strategy, State and Local Planning Policy Framework and the relevant policies, objectives and strategies of the Cardinia Planning Scheme.

The proposal appropriately responds to the relevant considerations and requirements of the GWZ1, LSIO and RO51 and does not increase any risk to human life associated with flooding. The development of an agricultural building on the site will enhance the agricultural productivity of the site and makes best use of a lot unable to be used and/or developed for rural residential/living purposes noting that a dwelling is prohibited under the RO51.

As such, we ask that Council look favourably upon this application.







SITE CONTOUR PLAN

A1 @ SCALE 1 : 400

0.0m 2.0m 5.0m 10.0m 15.0m 20.0m 30.0m

NO TITLE PEGS WERE LOCATED ON ANY SITES.
THIS IS NOT A RE - ESTABLISHMENT SURVEY OF ANY PROPERTY.
FENCE, BUILDING AND/OR BOUNDARY DISCREPANCIES ARE APPARENT.
TITLE OUTLINES AND/OR SETBACKS MAY BE APPROXIMATE ONLY BASED ON
EXISTING FENCE AND/OR BUILDING LOCATIONS.
APPROX TITLE POSITION ONLY.
A RE-ESTABLISHMENT PLAN SURVEY IS SUGGESTED.
REFER RE-ESTAB PLAN WHEN COMPLETE OR WHERE ONE HAS BEEN CARRIED OUT
FOR FENCE LOCATION AND TITLE BOUNDARY DISCREPANCIES AND ADJUST TITLE
WHERE REQUIRED.
SETBACKS ARE TO SUBJECT TITLE BOUNDARY UNLESS NOTED OTHERWISE IN THIS
REPORT.

GENERAL NOTES

ALL AUTHORITY ASSETS, SERVICES & OFFSETS, OR THE LIKE, MUST BE
CONFIRMED AND CHECKED ON SITE PRIOR TO ANY WORKS. ANY
INDICATION OF ASSET LOCATIONS (IF ANY) ON THESE DRAWINGS ARE
APPROXIMATE ONLY AND MUST BE CONFIRMED. THE PROVISION OF ANY
ASSET INFORMATION IN RELATION WITH THIS DOCUMENTATION IS NOT
EXHAUSTIVE, NOR SUBSTITUTE TO FULFILL ANY AUTHORITY
REQUIREMENTS.

ASSET INFORMATION IN RELATION WITH THIS DOCUMENTATION IS NOT EXHAUSTIVE, NOR SUBSTITUTE TO FULFILL ANY AUTHORITY
REQUIREMENTS.

ALL TITLE INFORMATION (DIMENSIONS, BEARINGS, RESTRICTIONS, INSTRUMENTS, ETC.) AS SHOWN MAY ALTER THROUGHOUT THE COURSE OF THE DEVELOPMENT PROCESS.
DETAILS AS SHOWN ARE A REPRESENTATION ONLY OF THE INFORMATION OBTAINED AT THE TIME OF SEARCHING AS INTERPRETED BY THE AUTHOR OF THIS REPORT.
CALCULATIONS AND INTERPRETATIONS MAY VARY AND MUST BE VERIFIED BY THE RELEVANT AUTHORITIES AND BODIES.

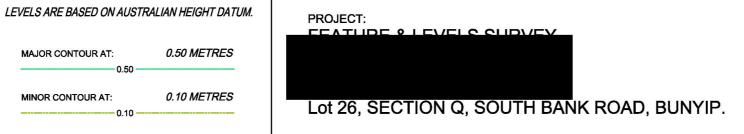
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MINOR CONTOUR AT:

0.10 METRES

0.10



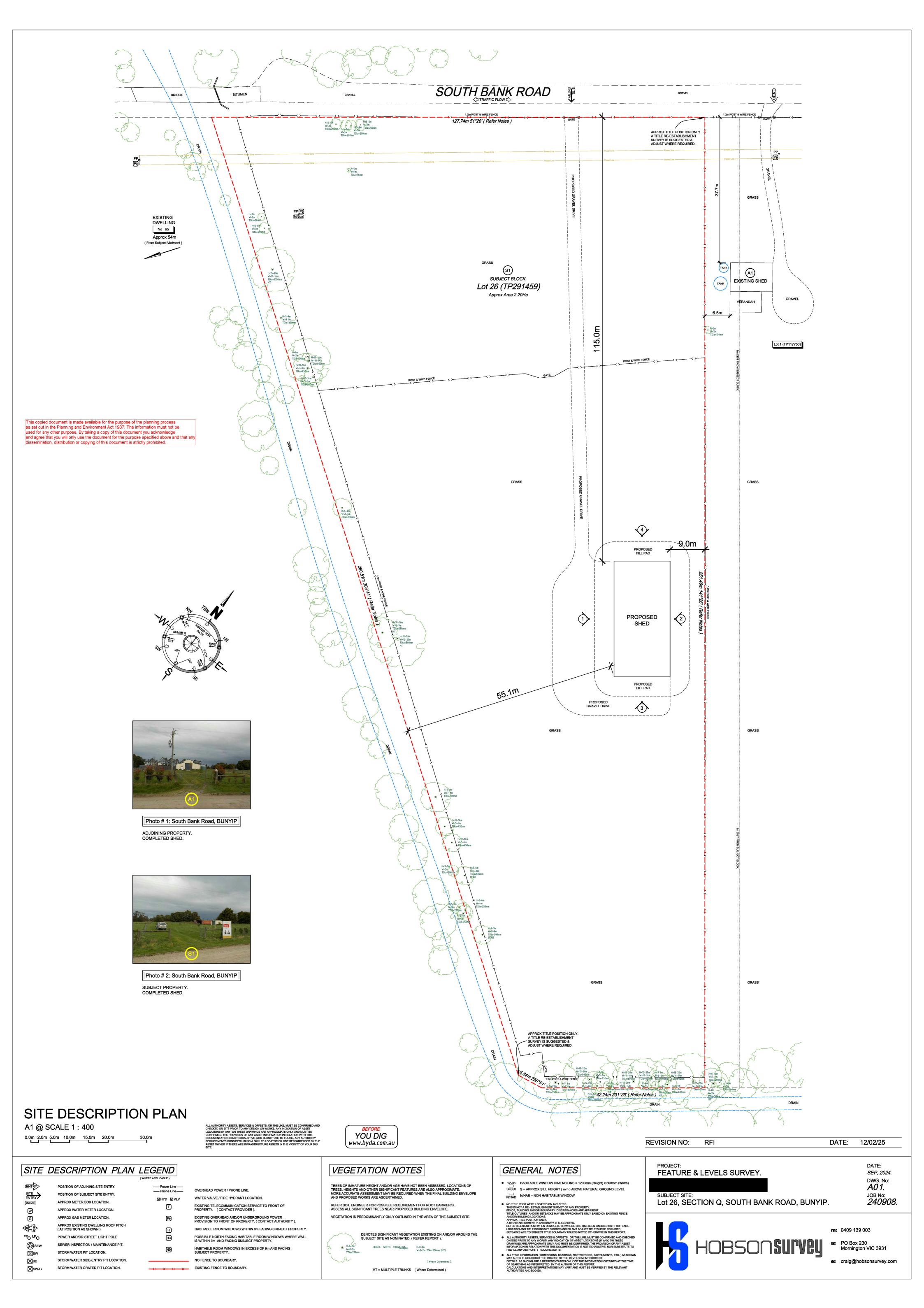
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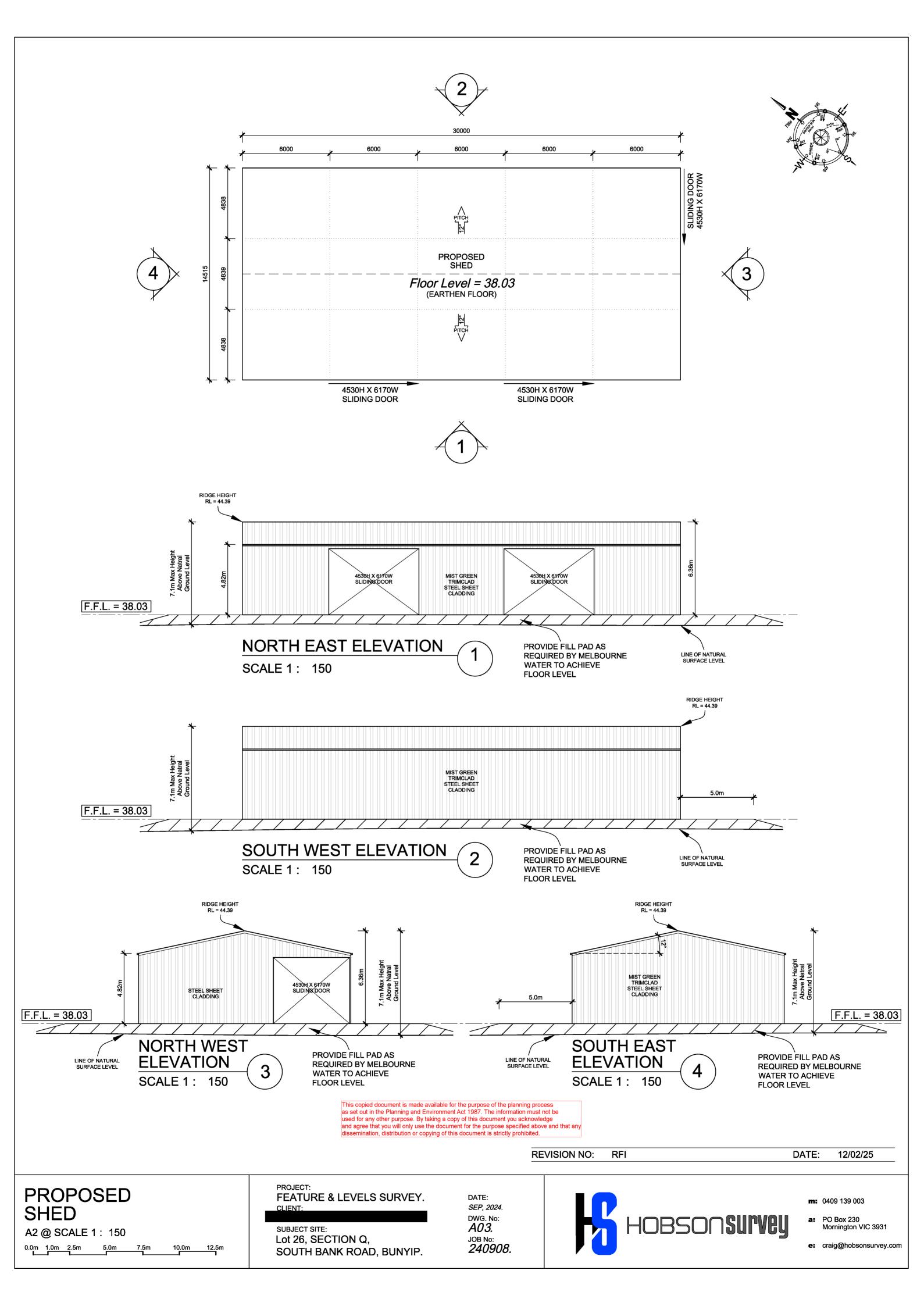
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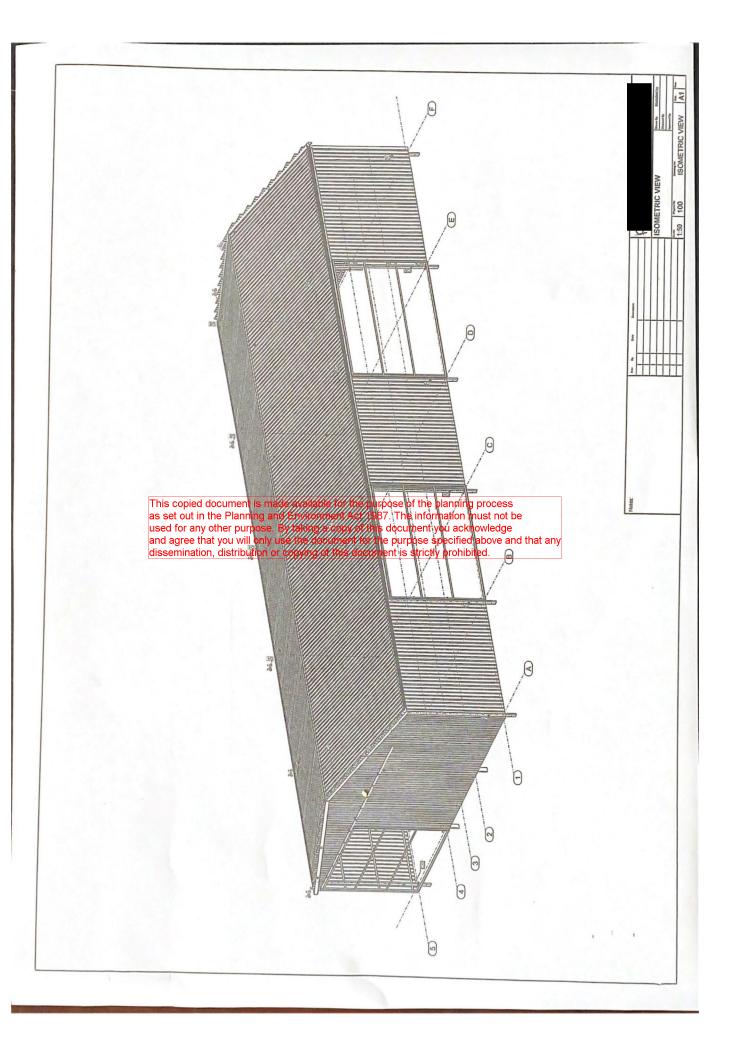


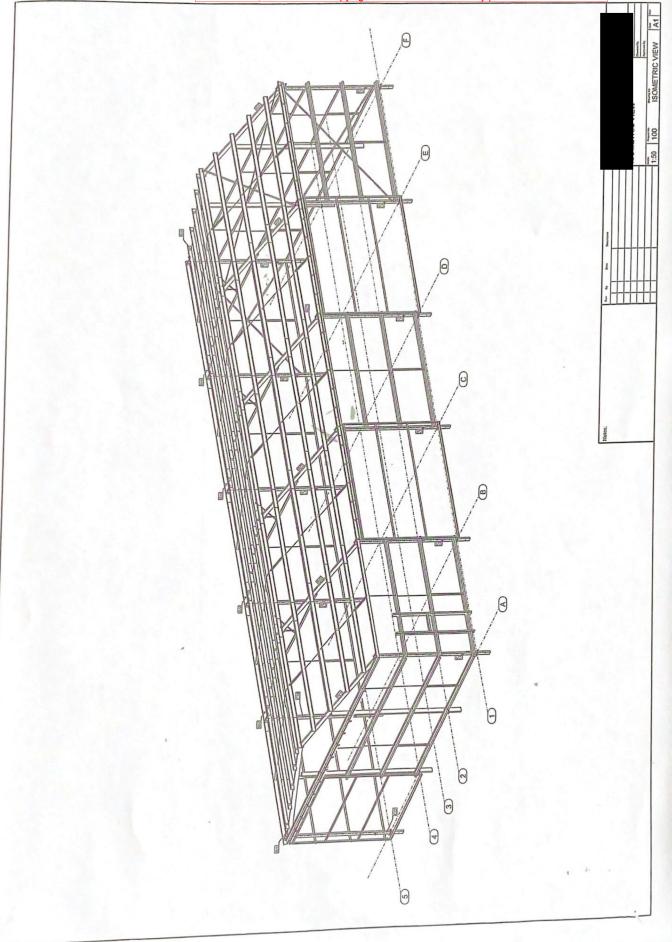


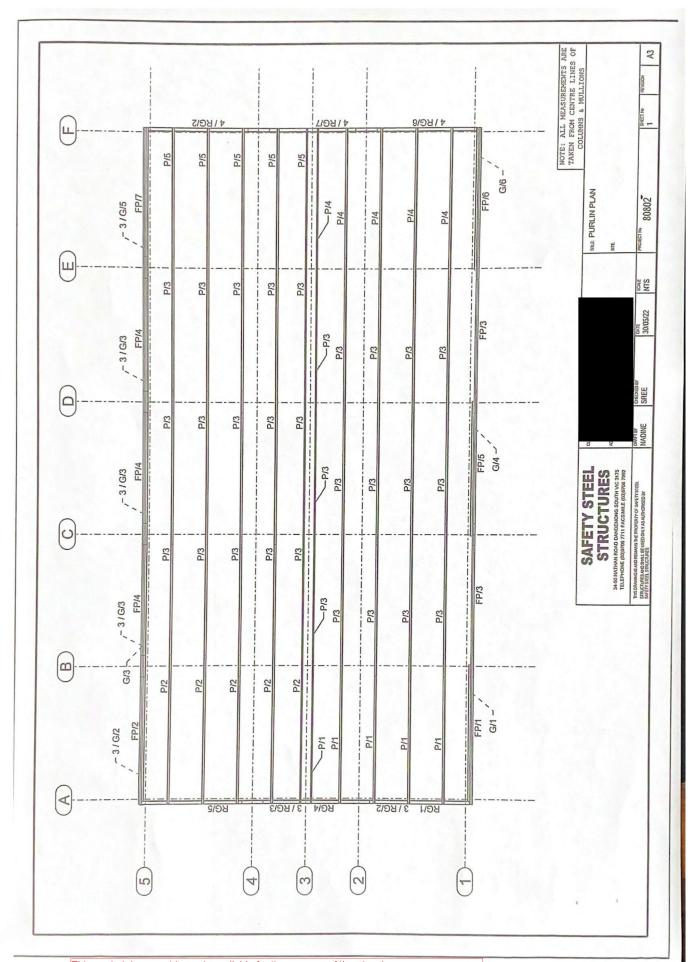
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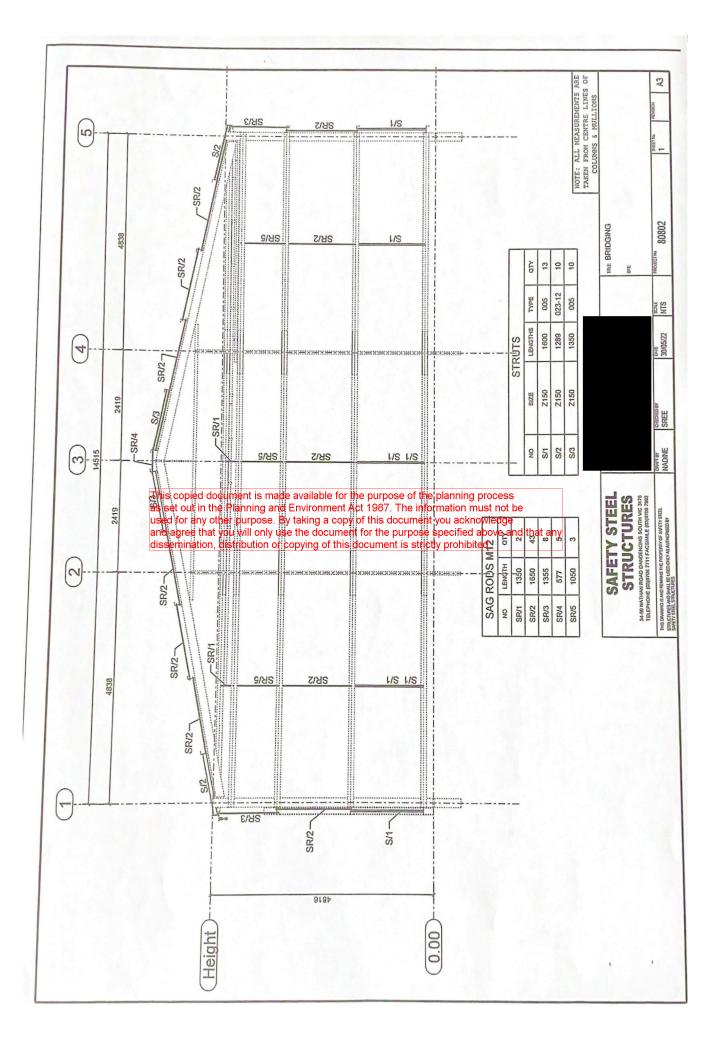


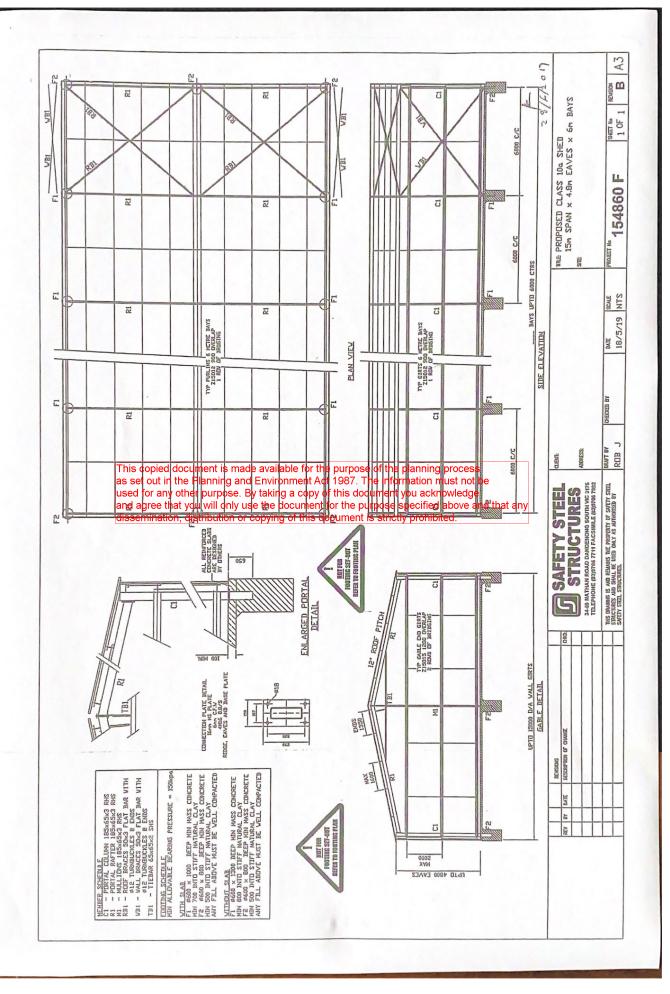


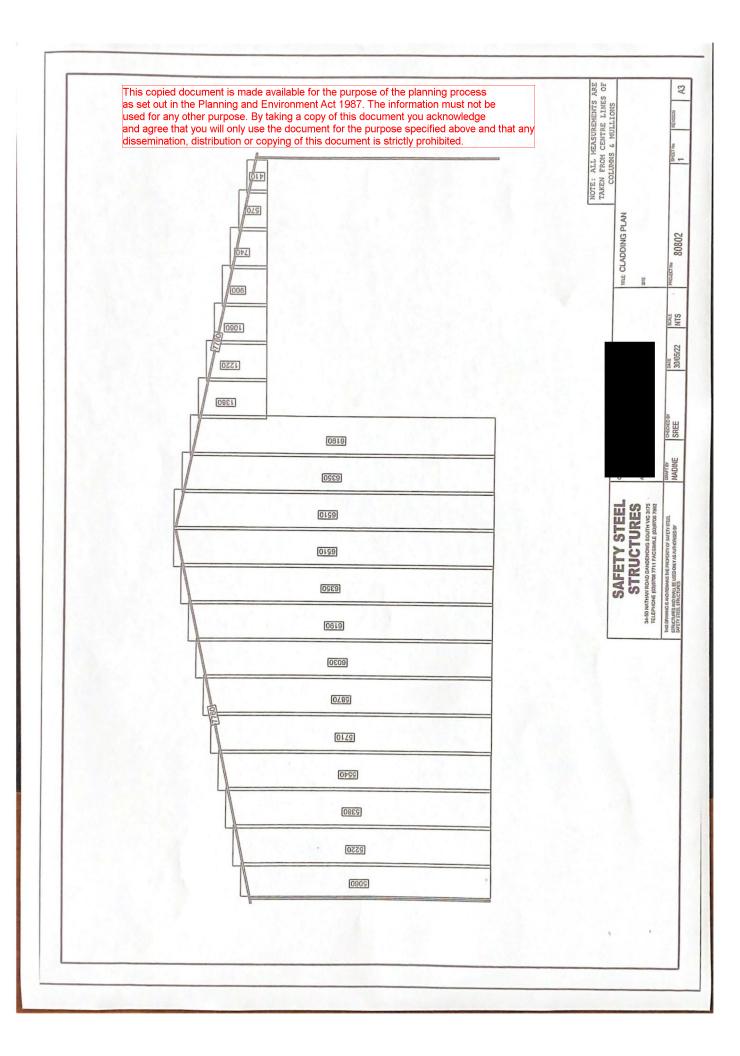












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STRUCTURES
STRUCTURES
TELEPHONE (DIPPOSITE TRANSPERS (DIPPO

